

SEEK IN VAIN TO GET TIN PLATE CONTRACTS

Government Investigators Also
Interested in the Gary
Dinners.

HOW PRICES WERE FIXED

Pittsburg Meetings at Which
Steel Men Decided
on Rates.

A hunt for certain contracts which the American Tin Plate Company made with machinery manufacturers and some which it had with its customers and an effort to connect the famous Gary dinners with regular meetings of tin plate manufacturers held in Pittsburgh were prominent features of the hearing in the Government's suit against the Steel Corporation yesterday. The Government didn't get hold of the contracts and didn't succeed very well in linking the Gary dinners with the tin plate meetings in Pittsburgh, though it was pretty well shown that prices for tin plate were fixed at these meetings.

At the afternoon session it was shown how much the Government desires to get at the contracts made by the American Tin Plate Company, which Daniel G. Reid when asked the previous day didn't recall. There were apparently two classes of contracts, one made with foundries and makers of rolling machinery and the other with large customers of American Tin Plate Company's products. One such customer being the American Can Company, a concern in which Mr. Reid also figures prominently. The contracts for the machinery apparently provided that the makers would not sell to anybody outside of the American Tin Plate Company. Just what the contract with the American Can Company provided for did not appear except in the general phrase "certain concessions."

Carlo V. Wheeler, secretary and treasurer of the American Tin Plate Company and of the American Sheet and Tin Plate Company, was the witness who was called upon to produce these contracts and some other papers. He said that the contracts for the machinery had been in his custody but had been destroyed. He couldn't fix the time, except he thought it might have been in 1904, when the offices were moved from New York to Pittsburgh.

"Did you have any authority to destroy them?" asked Judge Dickinson.

"I did not," replied Mr. Wheeler. "I exercised my own judgment."

"There were some of that general character?"

"Did they provide that the makers were not to sell to any but the tin plate company?"

Judge Dickinson asked him if he had brought in response to the subpoena a certain contract of January 12, 1907, between the American Tin Plate Company and the American Sheet and Tin Plate Company, but the witness said that he had been informed by the different departments he had asked that it could not be found. The corporation," said Judge Dickinson, "appearing for the steel corporation, has had an investigation made and has not been able to find it."

"Then I ask that the persons who had these papers in their custody to be produced here," said Judge Dickinson, "and Mr. Lindabury asked that contracts between the American Sheet and Tin Plate Company and machinery firms be produced, but Mr. Wheeler said that while he remembered that there were some of the character described by him he had also been destroyed. He explained that it was the custom at different times to destroy many papers that were old."

A request for a contract between the American Sheet and Tin Plate Company and the American Can Company made in 1905 resulted in Mr. Lindabury declining flatly to produce it, though he held it in his hand.

"Our reason for this," he said, "is that it is a contract with a customer to dispose of a product at a certain price and that it would simply be disclosing the private affairs of the company."

It was agreed that the question whether this should be produced over the objection should be put up to the court later on when a sufficient number of similar objections had been recorded.

"Isn't it a fact that some of these contracts called for became obsolete shortly after the formation of the steel corporation?" asked Judge Dickinson, "and counsel for the steel corporation, and the witness replied in the affirmative."

Some other contracts which it appeared the Government did know more about formed the subject of questions put to James McFarland, a metal dealer of Philadelphia. He, like some other concerns which were mentioned, dealt in certain brands of tin plate.

The only concern which could make these for them was the American Tin Plate Company, said this witness, and they had to make contracts with the tin plate company, the tin plate company to become absolute possessors of them if the McFarland company violated any of the terms of the contract.

A rebate of from 1 to 3 per cent, was first allowed. After 1902 the makers of private brands of tin plate were allowed to buy from 10 to 15 per cent, from outside interests. It was the Government's contention that these as well as the machinery contracts which it hopes to unearth, were exactions of a monopoly, that they formed a club held over independent competitors.

Howard M. Davis of Philadelphia, who was once sales agent for the American Tin Plate Company but is now with an independent concern, told of the tin plate meetings in Pittsburgh held in 1907. They were held in a hotel and Mr. Davis called them informal. The tin plate men met in one room and the sheet steel men in another. James Campbell presided at the tin plate meetings and he appointed E. G. Wier to preside over the sheet steel men.

"Did Judge Gary make Mr. Campbell the chairman?" Judge Dickinson asked. Davis said that he didn't know from whom he got his authority.

"Do you know that these prices were fixed at the Gary dinners in New York?" asked Judge Dickinson, but Davis said that he had never attended any of the Gary dinners and didn't know what took place at them. He admitted in answer to another question that generally the meetings in Pittsburgh followed closely.

"We discussed whether conditions warranted an advance or decline in prices. When we got through some one would say, 'I'll decline my price \$3 a ton.' Some body else would say, 'I won't change mine.' That was no agreement. We just said what our prices would be and we

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expected everybody to stick to them, but they didn't always."

Davis said that if they called a man changing his price he was called a man account for it and asked if he wanted to demoralize the market, and he generally would blame it all upon some salesman and promise not to do it again. He had obtained through salesmen and indirectly that there was never an agreement.

"But you always reached the same price before you left those meetings, didn't you?" inquired Judge Dickinson.

"That's very true," replied Davis, who also said that the price reached by all was not necessarily the lowest.

John A. Topping, the chairman of the Republic Iron and Steel Company, one of the largest of the independents in the steel business and the man who started price cutting not long ago, said that just before adjournment, but his examination did not go far. He resumed this morning.

William E. Corey, former president of the Steel Corporation, who sailed for Europe yesterday, was expected as a witness in the present suit and some surprise was caused by his departure. Assistant District Attorney Colton said that report had been made to him some days ago that Mr. Corey had been served with a subpoena.

BRANDT REMAND STAYED.

Court of Appeals to Pass on Prisoner's Status in June.

The Appellate Division of the Supreme Court signed yesterday the order reversing the decision of Supreme Court Justice Gerard in the Brandt case, which had been submitted by Attorney-General (Carmody and District Attorney Hogue of Clinton county, and declined to sign the order submitted by Mirabeau Towns, counsel for Brandt. The proposed order of Mr. Towns differed from the one signed only in that Warden Kaiser of Clinton prison was described as the appellant. Mr. Towns wanted this to appear in his argument that the warden of a prison has no right of appeal in a proceeding brought in the name of the people.

The order signed remanded Brandt to the custody of Warden Kaiser "under the judgment of the Court of General Sessions returned to the writ of habeas corpus as to the cause of his detention. The order was served on the Sheriff and filed in the County Clerk's office yesterday afternoon, but in the meantime Presiding Justice Ingraham signed an order to show cause, presented by Joseph H. Bryan of Mr. Towns's office.

The order directs the Attorney-General and the District Attorney involved in the Brandt case to show cause on Friday why an order should not be made fixing bail for Brandt pending his appeal and a stay granted whereby Brandt may remain in the custody of the Sheriff of New York county pending the determination of the appeal. The order also permits Brandt to remain in the custody of the Appellate Division disposes of the application for a stay.

An affidavit asking for the order to show cause Mr. Towns said that he had made arrangements to have the appeal heard at the June term of the Court of Appeals and wanted Brandt to remain here under bail until the appeal is disposed of. In support of the motion for Mr. Towns would argue on Friday that the order of Justice Gerard gave Brandt an absolute discharge from custody on the writ of habeas corpus and that this freedom was not dependent upon the subsequent ruling by the Appellate Division. For this reason he contends that the higher court has no jurisdiction to order Brandt back to Clinton prison.

"I was coming down the centre track at about nine miles an hour," he said, "and saw the first signal in front of the switch leading from the centre track to the southbound track clear and continued running at the same speed, but not having my controller in position I could not say how the second signal was seen. It happened to look at the track and saw that the switch was set for the main line."

Lukash immediately threw his brakes into emergency and reversed his train, he says, but too late to avoid a collision. The two cars which Lukash was operating had been detached from a ten car train at the Van Cortlandt Park station on its return from a trip to South Ferry and Lukash was to have switched them at the centre track at Dyckman street across the southbound track and into the train sheds. According to the Interborough people he failed to see the final signal set at the centre switch for "stop" and swung over onto the southbound track just in time to hit the passenger train.

There was a crash of glass as the two trains came together followed by the cries of the frightened and injured passengers. The guards were at first too dazed to act and it was some time before the Kingsbridge station, who was standing at the foot of the elevated station stairs, after summoning the ambulances from Fordham, took control of the platform and directed the guards in the work of extricating the passengers.

Southbound subway service was tied up for more than an hour while Supt. Merritt, who hurried to the scene as soon as he received word of the accident, and a wrecking crew cleared the track of the debris from the two cars, one on each track, which had been badly damaged, and got Lukash's train back on the track.

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14 HURT AS SUBWAY TRAINS CRASH IN AIR

One Passenger's Ear Torn Off.

Another Internally Injured

Is in Hospital.

GUARDS TOO DAZED TO ACT

Interborough Co. Blames Motor-

man, Who Admits He Ran

Past a Stop Signal.

Fourteen persons were injured, a dozen others severely shaken up and some hundred more thrown from their seats shortly before noon yesterday in a collision between a train of empty cars and an eight car southbound passenger train on the Broadway elevated extension of the subway at the 235th street station.

Twelve of the injured ones were treated at the scene of the accident by surgeons who came in three ambulances from Fordham Hospital and were able to go to their homes. The two others who were most seriously injured were removed to the hospital, but one was discharged after a few hours.

The injured are: George Brindimen, a musician, 31 1/2 East Fourth street, suffering from contusions and internal injuries. Removed to Fordham Hospital; condition serious, but not dangerous. William Melien, 2124 Amsterdam avenue, contusions and severe scalp wound. Went to Fordham Hospital, but was discharged later in the day.

John Green, 25 1/2 Spruce street, Brooklyn, cut by glass, contusions and bruise. Mrs. John Sabelle, 27, of 32 Parkville avenue, Yonkers, contusions. Mrs. James Brown, 32, 7 Locust Hill terrace, Yonkers, contusions.

Charles Bell, 207 Orchard street, lacerations of the right eye. Mrs. Mary Crane, 69 Post street, The Bronx, lacerations of the right wrist and contusions. Daniel J. McLaughlin, contusions. E. H. Morrison, Maple Heights, Yonkers, right ear torn off and contusions. Mrs. James Paffie, Stone avenue, Yonkers, shock.

William Umeyer, 226 West Forty-seventh street, lacerations and shock. James Henrich, 412 East Sixty-fourth street, contusions. John Lally, 73 Hyde avenue, Yonkers, contusions. Mrs. Martin Ball, 541 Nepperhan avenue, Yonkers, contusions.

The Interborough company places the blame for the accident on Motorman John H. Lukash of the empty train, who they say failed to make out the signals. He jumped from his box back into the first car as the two trains crashed together.

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4 ft. 6 in. x 7 ft. 6 in.	\$12.89	9 ft. x 12 ft.	\$38.74

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TIMES 8:15
WALLACK'S B'way, 30th St., Evs \$20
Popular Matinee To-day, 5:00, to \$1.50.

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NEW AMSTERDAM 101 St., near B'way, Evs. 8:30. Mats. To-day & Sat. at 2:30.
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GREAT CAST OF GRAND OPERA STARS.
LIBERTY 43 St., near B'way, Evs. 8:15. Mats. To-day & Sat. at 2:30.
HENRY MILLER
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"A WINSOME WIDOW"

GAIETY Broadway, 46th St., Evs. 8:30. Mats. To-day & Sat. at 2:30.
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With George Nash & Wallace Edginger.

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THE ROSEMAID

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